IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 21ST NOVEMBER 2006 / 30TH KARTHIKA 1928

WP(C).No. 19439 of 2006(L)

PETITIONER:

M.A.MOOSA, AGED 39 YEARS,
S/O.AHAMMED,MURIYANKARA HOUSE,KUSUMAGIRI P.O.,
KOCHI-30.

BY ADV. SRI.M.P.KRISHNAN NAIR
SRI.K.A.ABDUL SALAM

RESPONDENTS:

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1. KERALA STATE ELECTRICITY BOARD,
REP.BY ITS SECRETARY,VIDUTH BHAVAN,
THIRUVANANTHAPURAM.

2. EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD,MAJOR DIVISION,
KOLLAMKODE, PALAKKAD.

3. ASSISTANT EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD,
MUTHALMADA, PALAKKAD.

4. KURIAKOSE, S/O.VARGHESE, AGED 54 YEARS,
ATHIRAMPUZHA, CHULLIYAR DAM, MUTHALAMADA P.O.
PALAKKAD 678507.

BY SRI.JOSE J MATHEIKEL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1 CERTIFICATE DT 9.3.06.

P2 TAX RECEIPT DT 2.3.06.

P3 ROUGH SKETCH OF THE PROPERTY of the PETITIONER AND SURROUNDING PROPERTY.

P3(A) ROUGH SKETCH SHOWING EXISTING ELECTRIC LINE, ERECTED LINE with POST ETC.

P3(B) PHOTOGRAPH SHOWING THE ERECTED LINE WHICH IS DRAWN IN FRONT OF THE PETITIONER'S SHED.

P4 COMPLAINT DT 17.7.06.

TRUE COPY

P.A. TO JUDGE

C.N. RAMACHANDRAN NAIR, J.

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**W.P. (C) No. 19439 OF 2006 L**

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Dated this the 21st day of November, 2006

J U D G M E N T

The petitioner is opposing the enjoyment of power line over his property by the 4th respondent. Standing counsel for the KSEB submitted that petitioner's predecessor-in-interest gave consent and line was drawn based on the same. In any case, since the petitioner purchased the property, petitioner can make application for shifting of the line to the 3rd respondent pointing out alternate or less inconvenient route for the line and if such application is filed, the 3rd respondent will conduct inspection and shift the line, if possible, reducing the inconvenience to the petitioner and his property. If the petitioner is not satisfied, the petitioner can approach the District Magistrate with application for shifting. If any application is filed, the same will be considered by the District Magistrate, after hearing the Board and the petitioner. However, no application should be entertained unless alternate route suggested by the petitioner is over road or over his property and if it is over the property of any other person, petitioner should produce his consent.

The writ petition is disposed of as above.

(C.N. RAMACHANDRAN NAIR, JUDGE)

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